



Federal Register

**Monday,
December 13, 2004**

Part XVII

Department of Veterans Affairs

Semiannual Regulatory Agenda

DEPARTMENT OF VETERANS AFFAIRS (VA)

DEPARTMENT OF VETERANS
AFFAIRS

38 CFR Ch. I

Unified Agenda of Federal Regulatory
and Deregulatory Actions

AGENCY: Department of Veterans Affairs.

ACTION: Semiannual regulatory agenda.

SUMMARY: This agenda announces the regulations that the Department of Veterans Affairs (VA) will have under development or review during the 12-month period beginning in the fall 2004. The purpose in publishing the

Department's regulatory agenda is to allow all interested persons the opportunity to participate in VA's regulatory planning.

ADDRESSES: Interested persons are invited to comment on the entries listed in the agenda by contacting the individual agency contact listed for each entry or by writing to: Director, Regulations Management (00REG1), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420.

FOR FURTHER INFORMATION CONTACT: Millicent Dew at (202) 273-9515.

SUPPLEMENTARY INFORMATION: This document is issued pursuant to Executive Order 12866 "Regulatory Planning and Review" (and implementing guidance) and the Regulatory Flexibility Act, which require that executive agencies semiannually publish in the **Federal Register** an agenda of regulations that VA will have under development or review. For this edition of the Department of Veterans Affairs regulatory agenda, VA's most important significant regulatory action is included in the Regulatory Plan.

Robert C. McFetridge,
Director, Regulations Management.

Department of Veterans Affairs—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
2914	Use of VA Form 10-10EZR and Signature of Requirements for Certain VA Forms	2900-AL91
2915	Beneficiary Travel Under 38 U.S.C. 111	2900-AM02
2916	Eligibility for Health Care Benefits for Certain Filipino Veterans in the United States	2900-AM03
2917	Education Provisions of the Veterans Programs Enhancement Act of 1998	2900-AJ68
2918	Veterans and Dependents Education: Topping-Up Tuition Assistance; Licensing and Certification Tests; Duty To Assist Education Claimants	2900-AK80
2919	Administration of VA Education Benefits—Centralized Certification	2900-AL43
2920	Survivors' and Dependents' Educational Assistance Program Eligibility Period for Eligible Children and Other Miscellaneous Issues	2900-AL44
2921	Loan Guaranty: Assistance to Certain Disabled Veterans in Acquiring Specially Adapted Housing	2900-AL58
2922	Loan Guaranty: Loan Servicing and Claims Procedures Modification	2900-AL65
2923	Adjudication: Accrued Benefits and Death Compensation Benefits	2900-AL71
2924	Burial Benefits	2900-AL72
2925	Rules on Apportionments to Dependents; Payments to Fiduciaries and Incarcerated Beneficiaries	2900-AL74
2926	Regulations Related to Payments and Adjustments to Payments	2900-AL75
2927	Claims Based on Service in the Philippine Armed Forces	2900-AL76
2928	Vocational Rehabilitation and Employment Program—Statutory Amendments, U.S. Court of Appeals for Veterans Claims Decisions, Policy Revisions, and Reader-Focused Plain English Regulations	2900-AL78
2929	Duties of VA; Rights and Responsibilities of Claimants and Beneficiaries	2900-AL82
2930	Elections of Improved Pension; Old Law and Section 306 Pension	2900-AL83
2931	Special and Ancillary Benefits for Veterans, Dependents, and Survivors	2900-AL84
2932	Dependency and Indemnity Compensation: Surviving Spouse's Rate; Payments Based on Veterans Entitlement to Compensation for Service-Connection Disability Rated Totally Disabling for Specified Periods	2900-AL86
2933	General Provisions	2900-AL87
2934	Special Ratings	2900-AL88
2935	Dependency and Indemnify Compensation Benefits	2900-AL89
2936	Dependents of Veterans	2900-AL94
2937	Payments to Beneficiaries Who Are Eligible for More Than One Benefit	2900-AL95
2938	General Evidence Requirements, Effective Dates, Revision of Decisions, and Protection of Existing Ratings	2900-AM01
2939	Improved Pension	2900-AM04
2940	Matters Affecting Receipt of Benefits	2900-AM05
2941	Payments and Adjustments to Payments	2900-AM06
2942	Service-Connected Disability Compensation	2900-AM07
2943	Phase-In of Full Concurrent Receipt of Military Retired Pay and Veterans Disability Compensation for Certain Military Retirees	2900-AM13
2944	Department of Veterans Affairs Acquisition Regulations Plain Language Rewrite	2900-AK78
2945	Audits of States, Local Governments, and Nonprofit Organizations; Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations	2900-AJ62

VA

Department of Veterans Affairs—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
2946	Advanced Health Care Planning	2900-AJ28
2947	Grants to States for Construction and Acquisition of State Home Facilities	2900-AJ43
2948	Payment for Non-VA Physician Services Associated With Either Outpatient or Inpatient Care Provided at Non-VA Facilities	2900-AK94
2949	Enrollment—Provision of Hospital and Outpatient Care to Veterans—Subpriorities of Priority Categories 7 and 8 and Enrollment Level Decision (Reg Plan Seq No. 114)	2900-AL51
2950	Patients' Rights	2900-AL66
2951	Medication Prescribed by Non-VA Physicians	2900-AL68
2952	Federal Policy for the Protection of Human Subjects Technical Amendment	2900-AL99
2953	Elimination of Co-Pay for Smoking Cessation Counseling	2900-AM11
2954	Total Disability Evaluations Based on Inability of the Individual To Engage in Substantially Gainful Employment	2900-AH21
2955	Schedule for Rating Disabilities—The Eye	2900-AH43
2956	Claims Based on Aggravation of Nonservice-Connected Disability	2900-AL42
2957	Definition of Psychosis for Certain VA Purposes	2900-AK21
2958	Filipino Veterans' Benefit Improvements	2900-AK65
2959	Loan Guaranty: Prepurchase Counseling Requirements	2900-AK76
2960	Additional Disability or Death Due to Hospital Care, Medical or Surgical Treatment, Examination, Training and Rehabilitation Services, or Compensated Work Therapy Program	2900-AK77
2961	Time Limit for Request for De Novo Review	2900-AK97
2962	Exceptions to Definition of Date of Receipt Based on Special or Unforeseen Circumstances	2900-AL12
2963	Loan Guaranty: Implementation of Public Law 107-103	2900-AL23
2964	Schedule for Rating Disabilities; Guidelines for Application of Evaluation Criteria for Certain Respiratory and Cardiovascular Conditions; Evaluation of Hypertension With Heart Disease	2900-AL26
2965	Veterans Education: Veterans Education and Benefits Expansion Act of 2001	2900-AL28
2966	Schedule for Rating Disabilities; Evaluation of Multiple Scars	2900-AL32
2967	Loan Guaranty: Hybrid Adjustable Rate Mortgages	2900-AL54
2968	Service Requirements for Veterans	2900-AL67
2969	Reservists' Education: Revision of Eligibility Requirements for the Montgomery GI Bill—Selected Reserve	2900-AL69
2970	Presumptions of Service Connection for Certain Disabilities and Related Matters	2900-AL70
2971	Veterans Education: Nonpayment of VA Educational Assistance to Fugitive Felons	2900-AL79
2972	Presumption of Sound Condition: Aggravation of a Disability by Active Service	2900-AL90
2973	Increase in Rates Payable Under the Montgomery GI Bill—Active Duty	2900-AM08
2974	Presumptions of Service Connection for Diseases Associated With Service Involving Detention or Internment as a Prisoner of War	2900-AM09
2975	Transfer of Montgomery GI Bill—Active Duty Entitlement to Dependents	2900-AM12
2976	Board of Veterans Appeals: Appeal Regulations; Rules of Practice; Delegations of Authority	2900-AL96
2977	Board of Veterans' Appeals: Clarification of a Notice of Disagreement	2900-AL97
2978	Relocation of National Cemetery Regulations in Title 38 CFR	2900-AM10

References in boldface appear in the Regulatory Plan in part II of this issue of the **Federal Register**.

Department of Veterans Affairs—Long-Term Actions

Sequence Number	Title	Regulation Identifier Number
2979	Loan Guaranty: Amendments to Hybrid Adjustable Rate Mortgages	2900-AL92

Department of Veterans Affairs—Completed Actions

Sequence Number	Title	Regulation Identifier Number
2980	Waivers	2900-AK29
2981	Priorities for Outpatient Medical Services and Inpatient Hospital Care	2900-AL39
2982	Copayments for Extended Care Services	2900-AL49
2983	Sensori-Neural Aids	2900-AL60
2984	VA Homeless Providers Grant and Per Diem Program; Religious Organizations	2900-AL63

VA

Department of Veterans Affairs—Completed Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
2985	Compensation for Certain Cases of Bilateral Deafness	2900-AL59
2986	Increase Rates Payable Under the Survivor's and Dependent's Education Assistant Program	2900-AL64
2987	Increase in Rates Payable Under the Montgomery GI Bill—Selected Reserve	2900-AL80
2988	Veterans Education: Increased Allowances for the Educational Assistance Text Program	2900-AL81
2989	Changes to 38 CFR 3.809 for Specially Adapted Housing Eligibility for Recipients for Compensation Under 38 CFR 3.358	2900-AL98
2990	Board of Veterans' Appeals: Obtaining Evidence and Curing Procedural Defects	2900-AL77
2991	Eligibility for Burial in National Cemetery for Surviving Spouses Who Remarry and New Philippine Scouts	2900-AM00
2992	Standards for Collection, Compromise, Suspension, or Termination of Collection Effort, and Referral of Civil Claims for Money or Property; Regional Office Committees on Waivers and Compromises; Salary	2900-AK10

Department of Veterans Affairs (VA)

Proposed Rule Stage

VETERANS HEALTH ADMINISTRATION

2914. USE OF VA FORM 10-10EZR AND SIGNATURE OF REQUIREMENTS FOR CERTAIN VA FORMS

Priority: Substantive, Nonsignificant.
Major status under 5 USC 801 is undetermined.

Legal Authority: 38 USC 501; 38 USC 1721

CFR Citation: 38 CFR 17.36

Legal Deadline: None

Abstract: This document proposes to permit already-enrolled veterans to use a new, shorter form when they wish to update their enrollment information previously reported. The new, shorter form will decrease the information collection burden on veterans and will save them time when they are updating their financial information for VA. This document also proposes an amendment to establish who can sign VA administrative health care forms when the veteran is unable to do so. Finally, this document proposes to remove the photocopy of VA Form 10-10EZ, Application for Health Benefits, from parts 17 and 58 of 38 CFR.

Timetable:

Action	Date	FR Cite
NPRM	04/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For Public Comments:
www.regulations.gov

Agency Contact: Tony Guagliardo, Deputy Director of Business Policy, Chief Business Office (163), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 254-0406

RIN: 2900-AL91

2915. BENEFICIARY TRAVEL UNDER 38 U.S.C. 111

Priority: Other Significant

Legal Authority: 38 USC 111

CFR Citation: 38 CFR 17.143; 38 CFR 17.144; 38 CFR 17.145; 38 CFR 70 (new)

Legal Deadline: None

Abstract: The Department of Veterans Affairs proposes to revise its beneficiary travel regulations authorized under 38 USC 111. These regulations are intended to provide a mechanism for paying travel expenses to help veterans and other persons obtain services from the Veterans Health Administration.

Timetable:

Action	Date	FR Cite
NPRM	12/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For Public Comments:
www.regulations.gov

Agency Contact: Tony Guagliardo, Deputy Director of Business Policy, Chief Business Office (163), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 254-0406

RIN: 2900-AM02

2916. ELIGIBILITY FOR HEALTH CARE BENEFITS FOR CERTAIN FILIPINO VETERANS IN THE UNITED STATES

Priority: Substantive, Nonsignificant

Legal Authority: PL 108-170

CFR Citation: 38 CFR 17.39

Legal Deadline: None

Abstract: The Department of Veterans Affairs (VA) proposes to amend its medical regulations regarding veterans who are eligible to receive health care from VA. VA is proposing to amend the regulations to include Filipino Commonwealth Army veterans who were recognized by authority of the U.S. Army as belonging to organized Filipino guerilla forces, and New Philippine Scouts who reside in the U.S., and who are citizens, or lawfully admitted for permanent residence as eligible for hospital care, nursing home care, and outpatient medical services in the United States in the same manner and subject to the same terms and conditions as apply to U.S. veterans. This amendment will allow those veterans to receive health care. VA is authorized to implement these provisions under the "Veterans Health Care, Capital Asset, and Business

VA

Proposed Rule Stage

Improvement Act of 2003," Public Law 108-170.

Timetable:

Action	Date	FR Cite
NPRM	12/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For Public Comments:

www.regulations.gov

Agency Contact: Tony Guagliardo, Deputy Director of Business Policy, Chief Business Office (163), Department

of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 254-0406

RIN: 2900-AM03

VETERANS BENEFITS ADMINISTRATION**2917. EDUCATION PROVISIONS OF THE VETERANS PROGRAMS ENHANCEMENT ACT OF 1998**

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 16136; 38 USC 3034; 38 USC 3241; 38 USC 3485; 38 USC 3537; 38 USC 3677; 38 USC 3684; 38 USC 5101

CFR Citation: 38 CFR 21.4145; 38 CFR 21.4200; 38 CFR 21.4206; 38 CFR 21.4262

Legal Deadline: None

Abstract: This proposed rule amendment will bring VA's educational assistance regulations into agreement with the Veterans Program Enhancement Act of 1998 and Veterans Education and Expansion Act of 2001. This amendment will include making advance payments to work-study students optional rather than mandatory and revising the approval criteria for on-job training programs offered by the Federal Government or by State or local governments. This rule is being amended to reflect additional work study opportunities provided under the Veterans Education and Benefits Expansion Act of 2001.

Timetable:

Action	Date	FR Cite
NPRM	01/00/05	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

URL For Public Comments:

www.regulations.gov

Agency Contact: Lynn M. Nelson, Education Advisor (225C), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7294
Fax: 202 275-2636

Email: edulcose@vba.va.gov

RIN: 2900-AJ68

2918. VETERANS AND DEPENDENTS EDUCATION: TOPPING-UP TUITION ASSISTANCE; LICENSING AND CERTIFICATION TESTS; DUTY TO ASSIST EDUCATION CLAIMANTS

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 3014; 38 USC 3015; 38 USC 3034; 38 USC 3241; 38 USC 3471; 38 USC 3513; 38 USC 3501

CFR Citation: 38 CFR 21.1029 to 21.1033; 38 CFR 21.4005; 38 CFR 21.4008; 38 CFR 21.4009; 38 CFR 21.4146

Legal Deadline: None

Abstract: Regulations implementing provisions of the Veterans Benefits and Health Care Improvement Act of 2000, Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, and the Veterans Claims Assistance Act of 2000 that affect VA education benefits programs. These provisions include payment under Survivors' and Dependents' Educational Assistance Program, Post-Vietnam Era Veterans Educational Assistance Program, and the Montgomery GI Bill—Active Duty Program for the costs of taking tests needed to obtain a license or certification. They also include payment of benefits under the Montgomery GI Bill—Active Duty Program of the difference between the portion of tuition and fees covered by the tuition assistance program administered by the various military departments and the actual charges made by an educational institution. The proposed rule also establishes clear guidelines consistent with the intent of Congress regarding the timing and scope of assistance VA will provide to a claimant who files a substantially complete application for benefits under any of the education programs VA administers or who tries to reopen a previously denied claim.

Timetable:

Action	Date	FR Cite
NPRM	12/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For Public Comments:

www.regulations.gov

Agency Contact: William G. Susling Jr., Assistant Director for Policy and Program Development (225), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-7187

Fax: 202 275-2636

Email: edubsusl@vba.va.gov

RIN: 2900-AK80

2919. ADMINISTRATION OF VA EDUCATION BENEFITS—CENTRALIZED CERTIFICATION

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 3672; 38 USC 3675; 38 USC 3676

CFR Citation: 38 CFR 21.4266

Legal Deadline: None

Abstract: This document withdraws a proposed rule published in the Federal Register on June 30, 2003, at 68 FR 38657, to amend the Department of Veterans Affairs (VA) rules governing certification of enrollment in approved courses for the training of veterans and other eligible persons under education benefit programs VA administers. Based on the public comments received, we have determined that a revised proposed rule is necessary to develop a better proposed regulation.

Timetable:

Action	Date	FR Cite
NPRM	06/30/03	68 FR 38657

VA

Proposed Rule Stage

Action	Date	FR Cite
NPRM Comment Period End	09/29/03	
Second NPRM	04/00/05	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:**

www.regulations.gov

Agency Contact: Lynn M. Nelson, Education Advisor (225C), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7294
Fax: 202 275-2636
Email: edulcose@vba.va.gov

RIN: 2900-AL43**2920. SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE PROGRAM ELIGIBILITY PERIOD FOR ELIGIBLE CHILDREN AND OTHER MISCELLANEOUS ISSUES****Priority:** Substantive, Nonsignificant

Legal Authority: 10 USC 2141; 38 USC 101(4)(a); 38 USC 501(a); 38 USC 512; 38 USC 3002(3); 38 USC 3500 to 3566; 38 USC 5113; PL 106-419; PL 107-14; ...

CFR Citation: 38 CFR 21.3021; 38 CFR 21.3041; 38 CFR 21.4131

Legal Deadline: None

Abstract: The Department of Veterans Affairs is proposing to amend its education regulations to reflect changes in the eligibility period for children due to statutory provisions in Veterans Benefits and Health Care Improvement Act of 2000 and the Veterans Benefits and Expansion Acts of 2001 and 2002.

Timetable:

Action	Date	FR Cite
NPRM	04/00/05	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:**

www.regulations.gov

Agency Contact: Lynn M. Nelson, Education Advisor (225C), Department of Veterans Affairs, Veterans Benefits

Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7294
Fax: 202 275-2636
Email: edulcose@vba.va.gov

RIN: 2900-AL44**2921. LOAN GUARANTY: ASSISTANCE TO CERTAIN DISABLED VETERANS IN ACQUIRING SPECIALLY ADAPTED HOUSING****Priority:** Substantive, Nonsignificant

Legal Authority: 38 USC 501(a); 38 USC 2101

CFR Citation: 38 CFR 36.4400**Legal Deadline:** None

Abstract: The Department of Veterans Affairs is proposing to amend its loan guaranty regulations concerning assistance to certain disabled veterans in acquiring specially adapted housing. The primary intent is to revise these regulations to improve clarity to the reader. Additional changes are made to incorporate the provisions of a legal decision of the VA Office of General Counsel.

Timetable:

Action	Date	FR Cite
NPRM	01/00/05	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:**

www.regulations.gov

Agency Contact: Robert D. Finneran, Assistant Director for Policy and Valuation (262), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7368
Fax: 202 275-3523
Email: lgyrfinn@vba.va.gov

RIN: 2900-AL58**2922. LOAN GUARANTY; LOAN SERVICING AND CLAIMS PROCEDURES MODIFICATION****Priority:** Substantive, Nonsignificant

Legal Authority: 38 USC 501; 38 USC 3720; 38 USC 3732; 38 USC 3736

CFR Citation: 38 CFR 36.4301; 38 CFR 36.4306a; 38 CFR 36.4311; 38 CFR 36.4313 to 4321; 38 CFR 36.4324 to

4325; 38 CFR 36.4330; 38 CFR 36.4344a; 38 CFR 36.4346

Legal Deadline: None

Abstract: The Department of Veterans Affairs is amending its loan guaranty regulations pertaining to the servicing and liquidation of guaranteed housing loans in default and submitting of guaranty claims by loan holders. These proposed changes regarding loan servicing and claims procedures reflect changes in the servicing of VA loans and are necessary to implement new servicing and claims procedures.

Timetable:

Action	Date	FR Cite
NPRM	12/00/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** Federal**URL For Public Comments:**

www.regulations.gov

Agency Contact: Robert D. Finneran, Assistant Director for Policy and Valuation (262), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7368
Fax: 202 275-3523
Email: lgyrfinn@vba.va.gov

RIN: 2900-AL65**2923. ADJUDICATION: ACCRUED BENEFITS AND DEATH COMPENSATION BENEFITS****Priority:** Other Significant

Legal Authority: 38 USC 501(a); 38 USC 1121 and 1122; 31 USC 3329 and 3330; 38 USC 5101; 38 USC 5121; ...

CFR Citation: 38 CFR 3; 38 CFR 5**Legal Deadline:** None

Abstract: The Department of Veterans Affairs (VA) is amending its compensation and pension regulations relating to accrued and death compensation benefits, currently found in 38 CFR part 3, and relocating them in new 38 CFR part 5. These revisions are part of VA's rewrite and reorganization of all of its compensation and pension regulations in a logical, claimant-focused, and user-friendly format.

VA

Proposed Rule Stage

Timetable:

Action	Date	FR Cite
NPRM	10/01/04	69 FR 59072
NPRM Comment Period End	11/30/04	
Final Action	10/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For Public Comments:
www.regulations.gov

Agency Contact: Bill Russo, Chief, Regulation Rewrite Project (OOREG2), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-9216
Fax: 202 275-9026
Email: capbruss@vba.va.gov

Related RIN: Related to 2900-AL67

RIN: 2900-AL71

2924. BURIAL BENEFITS

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 101(2); 38 USC 501; 38 USC 2301 to 2305; 38 USC 2307 to 2308; 38 USC 5101; 38 USC 5303(c); 38 USC 6103 to 6105

CFR Citation: 38 CFR 3; 38 CFR 5

Legal Deadline: None

Abstract: The Department of Veterans Affairs (VA) proposes to amend its compensation and pension regulations relating to monetary burial benefits, currently found in 38 CFR part 3, and to relocate them in new 38 CFR part 5. These revisions are proposed as part of VA's rewrite and reorganization of all of its compensation and pension regulations in a logical, claimant-focused, and user-friendly format.

Timetable:

Action	Date	FR Cite
NPRM	06/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For Public Comments:
www.regulations.gov

Agency Contact: Bill Russo, Chief, Regulation Rewrite Project (OOREG2), Department of Veterans Affairs,

Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-9216

Fax: 202 275-9026

Email: capbruss@vba.va.gov

Related RIN: Related to 2900-AL67

RIN: 2900-AL72

2925. RULES ON APPORTIONMENTS TO DEPENDENTS; PAYMENTS TO FIDUCIARIES AND INCARCERATED BENEFICIARIES

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501; 38 USC 5101; 38 USC 5110; 38 USC 5112; 38 USC 5307; 38 USC 5313B

CFR Citation: 38 CFR 3; 38 CFR 5

Legal Deadline: None

Abstract: This document proposes to amend the Department of Veterans Affairs (VA) adjudication rules that concern the award and administration of VA benefits to incarcerated veterans, their dependents, and fugitive felons; the award and administration of compensation to certain incompetent veterans; and the apportionment of benefits to dependents, currently found in 38 CFR part 3, and plans to relocate them in new 38 CFR part 5. These revisions are proposed as part of VA's rewrite and reorganization of all of its compensation and pension regulations in a logical, claimant-focused, and user-friendly format.

Timetable:

Action	Date	FR Cite
NPRM	04/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For Public Comments:
www.regulations.gov

Agency Contact: Bill Russo, Chief, Regulation Rewrite Project (OOREG2), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-9216

Fax: 202 275-9026

Email: capbruss@vba.va.gov

Related RIN: Related to 2900-AL67

RIN: 2900-AL74

2926. REGULATIONS RELATED TO PAYMENTS AND ADJUSTMENTS TO PAYMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501; 38 USC 1151; 38 USC 1161; 38 USC 1312; 38 USC 1317; 38 USC 1521; 38 USC 5103; 38 USC 5103; 38 USC 5110; 38 USC 5112; 38 USC 5301; 38 USC 5304 and, 5305; 42 USC 2210 (note)

CFR Citation: 38 CFR 3; 38 CFR 5

Legal Deadline: None

Abstract: The Department of Veterans Affairs (VA) proposes to amend its compensation and pension regulations that relate to setting the rates of payments, adjustments and resumptions of payments, and elections between benefits, currently found in 38 CFR part 3, and plans to relocate them in new 38 CFR part 5. These revisions are proposed as part of VA's rewrite and reorganization of all of its compensation and pension regulations in a logical, claimant-focused, and user-friendly format.

Timetable:

Action	Date	FR Cite
NPRM	04/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For Public Comments:
www.regulations.gov

Agency Contact: Bill Russo, Chief, Regulation Rewrite Project (OOREG2), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-9216

Fax: 202 275-9026

Email: capbruss@vba.va.gov

Related RIN: Related to 2900-AL67

RIN: 2900-AL75

2927. CLAIMS BASED ON SERVICE IN THE PHILIPPINE ARMED FORCES

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 107; 38 USC 501; 38 USC 3565; 38 USC 5112

CFR Citation: 38 CFR 3; 38 CFR 5; ...

Legal Deadline: None

Abstract: The Department of Veterans Affairs (VA) proposes to amend its

VA

Proposed Rule Stage

compensation and pension regulations that apply to Filipino veterans and their survivors, currently found in 38 CFR part 3, and plans to relocate them in new 38 CFR part 5. These revisions are proposed as part of VA's rewrite and reorganization of all of its compensation and pension regulations in a logical, claimant-focused, and user-friendly format.

Timetable:

Action	Date	FR Cite
NPRM	04/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For Public Comments:
www.regulations.gov

Agency Contact: Bill Russo, Chief, Regulation Rewrite Project (OOREG2), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-9216

Fax: 202 275-9026

Email: capbruss@vba.va.gov

Related RIN: Related to 2900-AL67

RIN: 2900-AL76

2928. VOCATIONAL REHABILITATION AND EMPLOYMENT PROGRAM—STATUTORY AMENDMENTS, U.S. COURT OF APPEALS FOR VETERANS CLAIMS DECISIONS, POLICY REVISIONS, AND READER-FOCUSED PLAIN ENGLISH REGULATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 3100 to 3121; PL 102-568; PL 104-275; PL 106-419; PL 107-103

CFR Citation: 38 CFR 21, subpart A

Legal Deadline: None

Abstract: This document proposes to amend the regulations in 38 CFR part 21, subpart A—Vocational Rehabilitation Under 28 U.S.C. chapter 31. These proposed regulations implement statutory and judicially mandated changes. These changes include amended entitlement criteria to provide vocational rehabilitation program services to a veteran with a 10 percent service-connected disability if the veteran has a serious employment handicap. Changes to entitlement criteria require that service-connected

disability contribute in substantial part to a veteran's vocational impairment to entitle the veterans or servicemember to a program of rehabilitation services to overcome or lessen the effect of that impairment. Some proposed revisions correct earlier language that did not properly interpret the intent of the statute. Other proposed revisions to the regulations are intended to simplify program administration. Finally, the document proposes a completely rewritten text of subpart A in reader-focused plain English for improved readability.

Timetable:

Action	Date	FR Cite
NPRM	12/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For Public Comments:
www.regulations.gov

Agency Contact: Catherine Kruger, Supervisor of Regulations & Legislative Initiatives (28), Department of Veterans Affairs, Vocational Rehabilitation & Employment Services, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7412

RIN: 2900-AL78

2929. DUTIES OF VA; RIGHTS AND RESPONSIBILITIES OF CLAIMANTS AND BENEFICIARIES

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 1154; 38 USC 1822; 38 USC 5101; 38 USC 5103(a); 38 USC 5104; 38 USC 5109; 38 USC 5112(a); 38 USC 5125; 38 USC 5304; 38 USC 5701(b); ...

CFR Citation: 38 CFR 3; 38 CFR 5

Legal Deadline: None

Abstract: The Department of Veterans Affairs (VA) proposes to amend its compensation and pension regulations that apply to the duties of VA and the rights and responsibilities of claimants and beneficiaries, currently found in 38 CFR part 3, and plans to relocate them in new 38 CFR part 5. These revisions are proposed as part of VA's rewrite and reorganization of all of its compensation and pension regulations in a logical, claimant-focused, and user-friendly format.

Timetable:

Action	Date	FR Cite
NPRM	04/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For Public Comments:
www.regulations.gov

Agency Contact: Bill Russo, Chief, Regulation Rewrite Project (OOREG2), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-9216

Fax: 202 275-9026

Email: capbruss@vba.va.gov

Related RIN: Related to 2900-AL67

RIN: 2900-AL82

2930. ELECTIONS OF IMPROVED PENSION; OLD LAW AND SECTION 306 PENSION

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 503; 38 USC 521(f); 38 USC 522; 38 USC 543; 38 USC 1312(b); 38 USC 1317(b); 38 USC 1521(i); 45 USC 228; PL 86-211; PL 86-212; PL 87-381; PL 95-588; PL 96-272

CFR Citation: 38 CFR 3; 38 CFR 5

Legal Deadline: None

Abstract: The Department of Veterans Affairs (VA) proposes to amend its compensation and pension regulations relating to its "Old-Law" and "Section 306" pension programs, as well as its regulations concerning elections of improved pension, currently found in 38 CFR part 3, and plans to relocate them in new 38 CFR part 5. These revisions are proposed as part of VA's rewrite and reorganization of all of its compensation and pension regulations in a logical, claimant-focused, and user-friendly format.

Timetable:

Action	Date	FR Cite
NPRM	01/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For Public Comments:
www.regulations.gov

VA

Proposed Rule Stage

Agency Contact: Bill Russo, Chief, Regulation Rewrite Project (OOREG2), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-9216

Fax: 202 275-9026

Email: capbruss@vba.va.gov

Related RIN: Related to 2900-AL67

RIN: 2900-AL83

2931. SPECIAL AND ANCILLARY BENEFITS FOR VETERANS, DEPENDENTS, AND SURVIVORS

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501; 10 USC 1448; 10 USC 6160; 38 USC 501(a); 38 USC 1160; 38 USC 1312; 38 USC 1323; 38 USC 1805; 38 USC 1811 to 1816; 38 USC 1821 to 1824; 38 USC 2101; 38 USC 2104; 38 USC 3501; 38 USC 5101; 38 USC 5110 to 5112; 38 USC 5304; PL 425; PL 97-377; ...

CFR Citation: 38 CFR 3; 38 CFR 5

Legal Deadline: None

Abstract: The Department of Veterans Affairs (VA) proposes to amend its compensation and pension regulations that govern the award and administration of special benefits for veterans, dependents and survivors, including ancillary benefits relating to service connection (e.g., financial assistance in purchasing a vehicle and/or adaptive equipment), currently found in 38 CFR part 3, and plans to relocate them in new 38 CFR part 5. These revisions are proposed as part of VA's rewrite and reorganization of all of its compensation and pension regulations in a logical, claimant-focused, and user-friendly format.

Timetable:

Action	Date	FR Cite
NPRM	04/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For Public Comments:

www.regulations.gov

Agency Contact: Bill Russo, Chief, Regulation Rewrite Project (OOREG2), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-9216

Fax: 202 275-9026

Email: capbruss@vba.va.gov

Related RIN: Related to 2900-AL67

RIN: 2900-AL84

2932. DEPENDENCY AND INDEMNITY COMPENSATION: SURVIVING SPOUSE'S RATE; PAYMENTS BASED ON VETERANS ENTITLEMENT TO COMPENSATION FOR SERVICE-CONNECTION DISABILITY RATED TOTALLY DISABLING FOR SPECIFIED PERIODS

Priority: Other Significant

Legal Authority: 38 USC 501(a); 38 USC 1311; 38 USC 1314; 38 USC 1321; 38 USC 7104(b); ...

CFR Citation: 38 CFR 3.10; 38 CFR 3.22; 38 CFR 20.1106

Legal Deadline: None

Abstract: The Department of Veterans Affairs (VA) proposes to reorganize existing regulations governing surviving spouse's rates of dependency and indemnity compensation (DIC) and move them to a new CFR section. The proposed rules would also clarify circumstances in which a survivor may be entitled to DIC under 38 U.S.C. 1311 and 1318 by virtue of the veteran having been "entitled to receive" compensation for a disability that was rated totally disabling for a specified period prior to the veteran's death. The proposed rules would also reissue without change the Board of Veterans' Appeals rule regarding the effect of unfavorable decisions during a veteran's lifetime on claims for death benefits by the veteran's survivors.

Timetable:

Action	Date	FR Cite
NPRM	10/25/04	69 FR 62229
NPRM Comment Period End	12/27/04	
Final Action	07/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For Public Comments:

www.regulations.gov

Agency Contact: David Joseph Barrans, Staff Attorney (022), Department of Veterans Affairs, Office of General Counsel, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-6320

RIN: 2900-AL86

2933. GENERAL PROVISIONS

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 101; 38 USC 501(a); 38 USC 4303(16); PL 107-116

CFR Citation: 38 CFR 3; 38 CFR 5

Legal Deadline: None

Abstract: The Department of Veterans Affairs proposes to amend its regulations concerning general provisions applicable to its compensation and pension regulations, including definitions, currently found in 38 CFR part 3, and plans to relocate them in new 38 CFR part 5. These revisions are proposed as part of VA's rewrite and reorganization of all of its compensation and pension regulations in a logical, claimant-focused, and user-friendly format.

Timetable:

Action	Date	FR Cite
NPRM	04/00/05	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For Public Comments:

www.regulations.gov

Agency Contact: Bill Russo, Chief, Regulation Rewrite Project (OOREG2), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-9216

Fax: 202 275-9026

Email: capbruss@vba.va.gov

Related RIN: Related to 2900-AL67

RIN: 2900-AL87

2934. SPECIAL RATINGS

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 2108; 38 USC 101(16); 38 USC 105; 38 USC 501(a); 38 USC 1110; 38 USC 1114; 38 USC 1115(i)(E); 38 USC 1702; 38 USC 1712; 38 USC 4331; 38 USC 5110(b); 38 USC 5503; ...

CFR Citation: 38 CFR 3; 38 CFR 5

Legal Deadline: None

Abstract: The Department of Veterans Affairs (VA) proposed to amend its

VA

Proposed Rule Stage

regulations relating to special ratings and ratings for health care eligibility only, currently found in part 3 of title 38 Code of Federal Regulations (CFR), and to relocate them in new 38 CFR part 5. We propose to reorganize these regulations in a more logical order, add new section and paragraph headings, rewrite certain sections and divide certain sections into two or more separate new regulations. VA's principal goals in rewriting and reorganizing the current regulations are to provide readers with clearer language and more easily understood regulation requirements.

Timetable:

Action	Date	FR Cite
NPRM	04/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For Public Comments:
www.regulations.gov

Agency Contact: Bill Russo, Chief, Regulation Rewrite Project (OOREG2), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-9216

Fax: 202 275-9026

Email: capbruss@vba.va.gov

Related RIN: Related to 2900-AL67

RIN: 2900-AL88

2935. DEPENDENCY AND INDEMNIFY COMPENSATION BENEFITS

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 101(14); 38 USC 103(b); 38 USC 501(a); 38 USC 1121; 38 USC 1122(b); 38 USC 1141; 38 USC 1304; 38 USC 1310; 38 USC 1311(c), (d); 38 USC 1313; 38 USC 1315; 38 USC 1318(e), (d); 38 USC 5110; 38 USC 5312; ...

CFR Citation: 38 CFR 3; 38 CFR 5

Legal Deadline: None

Abstract: The Department of Veterans Affairs (VA) proposes to amend its regulations relating to dependency and indemnity compensation (DIC) benefits, currently found 38 CFR part 3, and plans to relocate them in new 38 CFR part 5. These revisions are proposed as part of VA's rewrite and reorganization of all of its compensation and pension

regulations in a logical, claimant-focused, and user-friendly format.

Timetable:

Action	Date	FR Cite
NPRM	04/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For Public Comments:
www.regulations.gov

Agency Contact: Bill Russo, Chief, Regulation Rewrite Project (OOREG2), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-9216

Fax: 202 275-9026

Email: capbruss@vba.va.gov

Related RIN: Related to 2900-AL67

RIN: 2900-AL89

2936. DEPENDENTS OF VETERANS

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 101(3); 38 USC 101(31); 38 USC 103(c); 38 USC 5110(f); 38 USC 5112; PL 91-376; PL 93-527; PL 101-508; PL 102-86

CFR Citation: 38 CFR 3; 38 CFR 5

Legal Deadline: None

Abstract: The Department of Veterans Affairs proposes to amend its compensation and pension regulations relating to dependents of veterans, currently found in 38 CFR part 3, and plans to relocate them to new 38 CFR part 5. These revisions are proposed as part of VA's rewrite and reorganization of all of its compensation and pension rules in a logical, claimant-focused, and user-friendly format.

Timetable:

Action	Date	FR Cite
NPRM	04/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For Public Comments:
www.regulations.gov

Agency Contact: Bill Russo, Chief, Regulation Rewrite Project (OOREG2), Department of Veterans Affairs, Veterans Benefits Administration, 810

Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-9216

Fax: 202 275-9026

Email: capbruss@vba.va.gov

Related RIN: Related to 2900-AL67

RIN: 2900-AL94

2937. PAYMENTS TO BENEFICIARIES WHO ARE ELIGIBLE FOR MORE THAN ONE BENEFIT

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC 1174; 10 USC 12316; 38 USC 501(a); 38 USC 1501(a); 38 USC 5104; 38 USC 5110; 38 USC 5304; 42 USC 2210 note

CFR Citation: 38 CFR 3; 38 CFR 5

Legal Deadline: None

Abstract: The Department of Veterans Affairs (VA) proposes to amend its adjudication regulations relating to the payments to beneficiaries who are eligible for more than one benefit, currently found in 38 CFR part 3, and plans to relocate them in new 38 CFR part 5. These revisions are proposed as part of VA's rewrite and reorganization of all of its compensation and pension regulations in a logical, claimant-focused, and user-friendly format.

Timetable:

Action	Date	FR Cite
NPRM	04/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For Public Comments:
www.regulations.gov

Agency Contact: Bill Russo, Chief, Regulation Rewrite Project (OOREG2), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-9216

Fax: 202 275-9026

Email: capbruss@vba.va.gov

Related RIN: Related to 2900-AL67

RIN: 2900-AL95

VA

Proposed Rule Stage

2938. GENERAL EVIDENCE REQUIREMENTS, EFFECTIVE DATES, REVISION OF DECISIONS, AND PROTECTION OF EXISTING RATINGS**Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 111; 38 USC 501(a); 38 USC 1110; 38 USC 1117; 38 CFR 1131; 38 CFR 1155; 38 CFR 1159; 38 CFR 5104; 38 CFR 5110; 38 CFR 5112; ...**CFR Citation:** 38 CFR 3; 38 CFR 5**Legal Deadline:** None

Abstract: The Department of Veterans Affairs proposes to amend its compensation and pension regulations that apply to general evidence requirements, general effective dates for new awards, revision of decisions, and protection of existing ratings, for purposes of compensation and pension benefits, currently found in 38 CFR part 3, and plans to relocate them in new 38 CFR part 5. These revisions are proposed as part of VA's rewrite and reorganization of all of its compensation and pension rules in a logical, claimant-focused, and user-friendly format.

Timetable:

Action	Date	FR Cite
NPRM	04/00/05	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:**

www.regulations.gov

Agency Contact: Bill Russo, Chief, Regulation Rewrite Project (OOREG2), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-9216

Fax: 202 275-9026

Email: capbruss@vba.va.gov

RIN: 2900-AM01**2939. • IMPROVED PENSION****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501; 38 USC 1502 to 1503; 38 USC 1508; 38 USC 1521 to 1522; 38 USC 1541 to 1542; 38 USC 1718; 38 USC 5303A; 10 USC 1448; 42 USC 300c-22(note); 42 USC 7385; PL 100-456**CFR Citation:** 38 CFR 3; 38 CFR 5**Legal Deadline:** None

Abstract: The Department of Veterans Affairs proposes to amend its adjudication regulations that concern improved pension, currently found in 38 CFR part 3, and plans to relocate them in new 38 CFR part 5. These revisions are proposed as part of VA's rewrite and reorganization of all of its compensation and pension regulations in a logical, claimant-focused, and user-friendly format.

Timetable:

Action	Date	FR Cite
NPRM	12/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:**

www.regulations.gov

Agency Contact: Bill Russo, Chief, Regulation Rewrite Project (OOREG2), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-9216

Fax: 202 275-9026

Email: capbruss@vba.va.gov

Related RIN: Related to 2900-AL67**RIN:** 2900-AM04**2940. • MATTERS AFFECTING RECEIPT OF BENEFITS****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 105; 38 USC 501; 38 USC 1110; 38 USC 1131; 38 USC 1521; 38 USC 1901 to 1929; 38 USC 5110; 38 USC 5112; 38 USC 6103; 38 USC 6104; 38 USC 6105; ...**CFR Citation:** 38 CFR 3; 38 CFR 5; 38 CFR 6.22; 38 CFR 8.34**Legal Deadline:** None

Abstract: The Department of Veterans Affairs (VA) proposes to reorganize and rewrite in plain language regulations relating to determinations involving bars to benefits, forfeiture of benefits, and renouncement of benefits. These revisions are proposed as part of VA's rewrite and reorganization of all of its compensation and pension rules in a logical, claimant-focused, and user-friendly format. The intended effect of the proposed revisions is to assist claimant and VA personnel in locating and understanding these provisions.

Timetable:

Action	Date	FR Cite
NPRM	12/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:**

www.regulations.gov

Agency Contact: Bill Russo, Chief, Regulation Rewrite Project (OOREG2), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-9216

Fax: 202 275-9026

Email: capbruss@vba.va.gov

Related RIN: Related to 2900-AL67**RIN:** 2900-AM05**2941. • PAYMENTS AND ADJUSTMENTS TO PAYMENTS****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501(a)**CFR Citation:** 38 CFR 3; 38 CFR 5**Legal Deadline:** None

Abstract: The Department of Veterans Affairs (VA) proposes to amend its regulations relating to payment of VA benefits and adjustments to payments. These revisions are proposed as part of VA's reorganization of all of its compensation and pension regulations in a logical, claimant-focused, and user-friendly format. The intended effect of the proposed revisions is to assist claimants and VA personnel in locating and understanding these regulations.

Timetable:

Action	Date	FR Cite
NPRM	04/00/05	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:**

www.regulations.gov

Agency Contact: Bill Russo, Chief, Regulation Rewrite Project (OOREG2), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-9216

VA

Proposed Rule Stage

Fax: 202 275-9026
Email: capbruss@vba.va.gov

Related RIN: Related to 2900-AL67

RIN: 2900-AM06

2942. • SERVICE-CONNECTED DISABILITY COMPENSATION

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501(a)

CFR Citation: 38 CFR 5

Legal Deadline: None

Abstract: The Department of Veterans Affairs (VA) proposes to reorganize and rewrite its regulations concerning VA's service-connected disability compensation program. These revisions are proposed as part of VA's reorganization of all of its compensation and pension regulations in a logical, claimant-focused, and user-friendly format. The intended effect of the proposed revisions is to assist claimants and VA personnel in locating and understanding these regulations.

Timetable:

Action	Date	FR Cite
NPRM	12/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For Public Comments:

www.regulations.gov

Agency Contact: Bill Russo, Chief, Regulation Rewrite Project (OOREG2), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-9216

Fax: 202 275-9026

Email: capbruss@vba.va.gov

Related RIN: Related to 2900-AL67

RIN: 2900-AM07

2943. • PHASE-IN OF FULL CONCURRENT RECEIPT OF MILITARY RETIRED PAY AND VETERANS DISABILITY COMPENSATION FOR CERTAIN MILITARY RETIREES

Priority: Other Significant

Legal Authority: 10 USC 1414; 38 USC 501(a); 38 USC 5304 (a); 38 USC 5305

CFR Citation: 38 CFR 3.750

Legal Deadline: None

Abstract: VA proposes to update its adjudication regulations to implement the National Defense Authorization Act for Fiscal Year 2004 by including provisions for concurrent receipt of military retired pay and VA disability compensation for eligible veterans. The changes are intended to update 38 CFR part 3.750 so that it is consistent with the new law passed by Congress.

Timetable:

Action	Date	FR Cite
NPRM	04/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For Public Comments:

www.regulations.gov

Agency Contact: Dorilyn E. Martz, Department of Veterans Affairs, C&P – VBA (211), 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-7191

RIN: 2900-AM13

OFFICE OF ACQUISITION AND MATERIEL MANAGEMENT

2944. DEPARTMENT OF VETERANS AFFAIRS ACQUISITION REGULATIONS PLAIN LANGUAGE REWRITE

Priority: Info./Admin./Other

Legal Authority: 38 USC 501; 48 USC 486(c)

CFR Citation: 38 CFR 8

Legal Deadline: None

Abstract: This rulemaking action would amend the Department of

Veterans Affairs acquisition regulation to update position titles, to remove obsolete or duplicative material, to delegate authority, and to make plain language revisions to the text. In addition, the rule would update material to correspond to the requirements of the Federal Acquisition Regulation (FAR) and would provide agency procedures for compliance with FAR requirements.

Timetable:

Action	Date	FR Cite
NPRM	12/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For Public Comments:

www.regulations.gov

Agency Contact: Donald E. Kaliher, Senior Procurement Analyst (0495A), Department of Veterans Affairs, Office of Acquisition & Materiel Management, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-8819

Fax: 202 273-9302

Email: donald.kaliher@mail.va.gov

RIN: 2900-AK78

VA

OFFICE OF POLICY AND PLANNING

2945. AUDITS OF STATES, LOCAL GOVERNMENTS, AND NONPROFIT ORGANIZATIONS; GRANTS AND AGREEMENTS WITH INSTITUTIONS OF HIGHER EDUCATION, HOSPITALS, AND OTHER NONPROFIT ORGANIZATIONS**Priority:** Substantive, Nonsignificant**Legal Authority:** 31 USC 75; 38 USC 501; PL 98-502**CFR Citation:** 38 CFR 41; 38 CFR 49**Legal Deadline:** None**Abstract:** This document proposes to amend part 41 of VA's regulations to add new subparts to codify revised OMB Circular A-133. The Circular provides standards for consistency and

uniformity among Federal agencies for the audits of States, local governments, and nonprofit organizations expending Federal awards. Further, this amendment proposes to add a new part 49 to VA's regulations to bring VA in step with other Federal agencies who have already adopted OMB Circular A-110 as a common rule. The Circular provides for uniform administrative requirements for Federal agencies with grants and agreements with institutions of higher education, hospitals, and other nonprofit organizations.

Timetable:

Action	Date	FR Cite
NPRM	08/25/04	69 FR 52334
NPRM Comment Period End	10/25/04	
Final Action	04/00/05	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** Governmental Jurisdictions, Organizations**Government Levels Affected:** Local, State**URL For Public Comments:**

www.regulations.gov

Agency Contact: John A. Corso, Senior Procurement Analyst (95A), Acquisition Policy Team, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-8818

Email: john.corso@mail.va.gov

RIN: 2900-AJ62

Department of Veterans Affairs (VA)

Final Rule Stage

VETERANS HEALTH ADMINISTRATION

2946. ADVANCED HEALTH CARE PLANNING**Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501; 38 USC 1721**CFR Citation:** 38 CFR 17.32**Legal Deadline:** None**Abstract:** This document amends the VA medical regulations to codify VA policy regarding advanced health care planning. The rule sets forth a mechanism for the use of written advance directives; i.e., a VA living will, a VA durable power of attorney for health care, and a State-authorized advance directive. The rule also sets forth a mechanism for honoring verbal or nonverbal instructions from a patient when the patient is admitted to care when critically ill and loss of capacity may be imminent and the patient is not physically able to sign an advance directive form or the appropriate form is not readily available. This is intended to help ensure that VA acts in compliance with patients' wishes concerning future health care.**Timetable:**

Action	Date	FR Cite
NPRM	11/02/98	63 FR 58677
NPRM Comment Period End	01/04/99	
Final Action	01/00/05	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:**

www.regulations.gov

Agency Contact: Angela Prudhomme, Chief Ethics Policy Service (10E), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 501-1717

Email:

angela.prudhomme@hq.med.va.gov

RIN: 2900-AJ28**2947. GRANTS TO STATES FOR CONSTRUCTION AND ACQUISITION OF STATE HOME FACILITIES****Priority:** Other Significant**Legal Authority:** 38 USC 501; 38 USC 1721**CFR Citation:** 38 CFR 17.216; 38 CFR 17.222**Legal Deadline:** None**Abstract:** This rule amends the Department of Veterans Affairs regulations concerning State homes. VA provides funds to States for projects for the construction, acquisition, or renovation of State veterans nursing homes and State veterans domiciliaries. This rulemaking requests comments regarding what regulations should be established with respect to the priorities for awarding State home grants for construction, acquisition, or renovation.**Timetable:**

Action	Date	FR Cite
Interim Final Rule	06/26/01	66 FR 33845
Interim Final Rule Comment Period End	08/27/01	
Final Action	12/00/04	

Regulatory Flexibility Analysis Required: No**Government Levels Affected:** State**URL For Public Comments:**

www.regulations.gov

Agency Contact: Frank Salvat, Geriatrics and Extended Care (114), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420

VA

Final Rule Stage

Phone: 202 273-8536

RIN: 2900-AJ43

2948. PAYMENT FOR NON-VA PHYSICIAN SERVICES ASSOCIATED WITH EITHER OUTPATIENT OR INPATIENT CARE PROVIDED AT NON-VA FACILITIES**Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501**CFR Citation:** 38 CFR 17.56**Legal Deadline:** None

Abstract: This document amends the Department of Veterans Affairs (VA) medical regulations concerning payment for non-VA physician services that are associated with either outpatient or inpatient care provided to eligible VA beneficiaries at non-VA facilities. Currently, 38 CFR 17.56 requires all VA facilities to reimburse for non-VA physician services based upon the Centers for Medicare and Medicaid Services (CMS) physician fee schedule in effect at the time the services are provided. However, it has been determined that special circumstances exist in the State of Alaska. Since a large portion of VA health care provided in Alaska is obtained from non-VA sources, this could negatively impact the quality of care provided veterans living in that State. Therefore, to ensure that the amounts paid to physicians better represent the local cost to furnish a service and to achieve program cost reduction, VA is proposing through this document that an Alaska-specific payment methodology be established for inpatient and outpatient non-VA physician services with that State.

Timetable:

Action	Date	FR Cite
NPRM	07/29/03	68 FR 44507
NPRM Comment Period End	09/29/03	
Final Action	01/00/05	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:**

www.regulations.gov

Agency Contact: Susan K. Schmetzer, Chief, Policy and Strategic Planning, Health Administration Center, Department of Veterans Affairs, 300 South Jackson Street, Denver, CO 80209

Phone: 303 331-7552

Email: schmetzer@champva.denver.va.gov

RIN: 2900-AK94

2949. ENROLLMENT—PROVISION OF HOSPITAL AND OUTPATIENT CARE TO VETERANS—SUBPRIORITIES OF PRIORITY CATEGORIES 7 AND 8 AND ENROLLMENT LEVEL DECISION**Regulatory Plan:** This entry is Seq. No. 114 in part II of this issue of the Federal Register.

RIN: 2900-AL51

2950. PATIENTS' RIGHTS**Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501; 38 USC 1721**CFR Citation:** 38 CFR 17.33**Legal Deadline:** None

Abstract: This document amends the Department of Veterans Affairs' medical regulations that set forth patients' rights to clarify that it is legally permissible for VA patients to receive medication prescribed by any health care professional legally authorized to prescribe medication.

Timetable:

Action	Date	FR Cite
NPRM	08/09/04	69 FR 48148
NPRM Comment Period End	10/08/04	69 FR 48184
Final Action	04/00/05	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:**

www.regulations.gov

Agency Contact: Audrey Crenshaw Drake, Program Director Nursing (108), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 565-6740

Email: audrey.drake@mail.va

RIN: 2900-AL66

2951. MEDICATION PRESCRIBED BY NON-VA PHYSICIANS**Priority:** Other Significant**Legal Authority:** 38 USC 1706; 38 USC 1710; 38 USC 1712(d); 38 USC 1721**CFR Citation:** 38 CFR 17.96**Legal Deadline:** None

Abstract: The Department of Veterans Affairs is amending its medical regulations that govern the provision of medication to veterans when the medication is prescribed by non-VA physicians. The rule provides that, in limited circumstances, VA may provide medication prescribed by a non-VA physician to veterans enrolled in VA's health-care system prior to July 25, 2003, if the veterans have requested an initial appointment for primary care in a VA health care facility before July 25, 2003, and were unable to obtain an initial appointment for primary care within 30 days. The rule establishes specific requirements that veterans must meet to receive such medication, and it establishes limits on the types and quantities of medication VA may provide. VA's intent is to assist enrolled veterans who have requested primary care appointments but who have not been able to obtain one within 30 days.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/25/03	68 FR 43927
Interim Final Rule Effective	07/25/03	
Interim Final Rule Comment Period End	08/25/03	
Final Action	12/00/04	

Regulatory Flexibility Analysis**Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:**

www.regulations.gov

Agency Contact: Tony Guagliardo, Deputy Director of Business Policy, Chief Business Office (163), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 254-0406

Virginia Torrise, Deputy Chief Consultant (119), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-8427

Email: virginia.torris@hq.med.va.gov

RIN: 2900-AL68

VA

Final Rule Stage

2952. FEDERAL POLICY FOR THE PROTECTION OF HUMAN SUBJECTS TECHNICAL AMENDMENT**Priority:** Substantive, Nonsignificant**Legal Authority:** 5 USC 301; 38 CFR 501; 42 USC 289; 42 USC 300v-1(b)**CFR Citation:** 38 CFR 16**Legal Deadline:** None

Abstract: This final rule amends the Department of Veterans Affairs regulations for the protection of human subjects by changing all references to the Office for Protection from Research Risks (OPRR) to the Office for Human Research Protections (OHRP), and revising the footnote at the end of 38 CFR 16.101(i) by deleting the references to research involving fetuses, pregnant women, or human in vitro fertilization. This technical amendment is being made in conjunction with the other federal departments and agencies that have promulgated the Federal Policy for the Protection of Human Subjects.

Timetable:

Action	Date	FR Cite
Final Action	12/00/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:** www.regulations.gov

Agency Contact: Dr. Joan Porter, Associate Director, Office of Research Oversight (ORO), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 565-7191
Fax: 202 565-9194
Email: joan.porter@hq.med.va.gov

RIN: 2900-AL99**2953. • ELIMINATION OF CO-PAY FOR SMOKING CESSATION COUNSELING****Priority:** Other Significant**Legal Authority:** 38 USC 501**CFR Citation:** 38 CFR 17.108**Legal Deadline:** None

Abstract: This interim final rule will amend VA regulations so that a co-pay is no longer required of veterans to participate in individual and group smoking cessation counseling. Eliminating the co-pay for smoking cessation counseling has strong potential to increase participation and thus improve veterans' health.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/05	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:** www.regulations.gov

Agency Contact: Eileen Downey, Chief Business Office (161), Department of Veterans Affairs, Veterans Health Administration, 810 Vermont Avenue NW, Washington, , DC 20420
Phone: 202 254-0347

RIN: 2900-AM11**VETERANS BENEFITS ADMINISTRATION****2954. TOTAL DISABILITY EVALUATIONS BASED ON INABILITY OF THE INDIVIDUAL TO ENGAGE IN SUBSTANTIALLY GAINFUL EMPLOYMENT****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501(a); 38 USC 512(a); 38 USC 1110; 38 USC 1131; 38 USC 1155; 38 USC 1502; 38 USC 1521(a)**CFR Citation:** 38 CFR 3.321; 38 CFR 3.340; 38 CFR 3.341; 38 CFR 3.342; 38 CFR 4.16; 38 CFR 4.17; 38 CFR 4.18**Legal Deadline:** None

Abstract: This action amends the regulations in part 3 of title 38, United States Code, and in the Schedule for Rating Disabilities in part 4 to provide clear and objective standards for determining whether a veteran is entitled to a total evaluation based on his or her inability to perform substantially gainful employment due to disability.

Timetable:

Action	Date	FR Cite
NPRM	10/01/01	66 FR 49886
NPRM Comment Period End	11/30/01	
Final Action	04/00/05	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:** www.regulations.gov

Agency Contact: Beth McCoy, Consultant, Regulations Staff, Compensation and Pension Service (211A), Department of Veterans Affairs, Veterans Benefit Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7211
Email: capbmcco@vba.va.gov

RIN: 2900-AH21**2955. SCHEDULE FOR RATING DISABILITIES—THE EYE****Priority:** Other Significant**Legal Authority:** 38 USC 1155**CFR Citation:** 38 CFR 4.75**Legal Deadline:** None

Abstract: The Department of Veterans Affairs (VA) is amending that portion of its Schedule for Rating Disabilities that addresses disabilities of the eye. The intended effect of this action is to update this portion of the rating schedule to ensure that it uses current medical terminology and unambiguous criteria and that it reflects medical advances that have occurred since the last review.

Timetable:

Action	Date	FR Cite
NPRM	05/11/99	64 FR 25246
NPRM Comment Period End	07/12/99	
Final Action	12/00/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:** www.regulations.gov

Agency Contact: Audrey Tomlinson, Medical Officer (211A), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

VA

Final Rule Stage

Phone: 202 273-7211

RIN: 2900-AH43

2956. CLAIMS BASED ON AGGRAVATION OF NONSERVICE-CONNECTED DISABILITY**Priority:** Other Significant**Legal Authority:** 38 USC 501(a)**CFR Citation:** 38 CFR 3.310**Legal Deadline:** None

Abstract: This document amends VA regulations concerning secondary service connection for certain disabilities. This amendment is necessary because of a recent decision by the U.S. Court of Veterans Appeals and will establish a new means by which veterans may be compensated for disabilities related to other service-connected conditions.

Timetable:

Action	Date	FR Cite
NPRM	06/04/97	62 FR 30547
NPRM Comment Period End	08/04/97	
Final Action	12/00/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:**
www.regulations.gov

Agency Contact: Maya Ferrandino, Consultant, C&P (211A), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7232

RIN: 2900-AI42

2957. DEFINITION OF PSYCHOSIS FOR CERTAIN VA PURPOSES**Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501(a)**CFR Citation:** 38 CFR 3.384**Legal Deadline:** None

Abstract: This document amends the Department of Veterans Affairs adjudication regulations to define the term "psychosis." The term is used but not defined in certain statutes that provide presumptive service connection for compensation or health care purposes.

Timetable:

Action	Date	FR Cite
NPRM	10/11/02	67 FR 63352
NPRM Comment Period End	12/10/02	
Final Action	12/00/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:**
www.regulations.gov

Agency Contact: Audrey Tomlinson, Medical Officer (211A), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7211

RIN: 2900-AK21

2958. FILIPINO VETERANS' BENEFIT IMPROVEMENTS**Priority:** Other Significant**Legal Authority:** 38 USC 107**CFR Citation:** 38 CFR 3.8; 38 CFR 3.10; 38 CFR 3.1600**Legal Deadline:** None

Abstract: This document amends the Department of Veterans Affairs (VA) adjudication regulations to reflect changes made by the Departments of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriations Act, 2001, which changed the rate of compensation payments to certain Filipino veterans residing in the U.S., and the Veterans Benefits and Health Care Improvement Act of 2000, which changed the amount of the burial benefit paid to the survivors of certain Filipino veterans who were residing in the U.S. at the time of their deaths. This also adds the provisions of the Veterans Benefits Act of 2003 to change the rate of compensation and burial benefits paid to new Filipino scouts residing in the U.S.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/27/01	66 FR 66763
Interim Final Rule Effective	12/27/01	
Interim Final Rule Comment Period End	02/25/02	
Final Action	12/00/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:**
www.regulations.gov

Agency Contact: Maya Ferrandino, Consultant, C&P (211A), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7232

Related RIN: Related to 2900-AL76

RIN: 2900-AK65

2959. LOAN GUARANTY: PREPURCHASE COUNSELING REQUIREMENTS**Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501; 38 USC 3203; 38 USC 3210; 38 USC 3220**CFR Citation:** 38 CFR 36.4332**Legal Deadline:** None

Abstract: The Department of Veterans Affairs is amending its loan guaranty regulations to require that all first-time homebuyers seeking to obtain VA guaranteed home loans complete 3 hours of homeowners' counseling.

Timetable:

Action	Date	FR Cite
NPRM	10/11/01	66 FR 51893
NPRM Comment Period End	12/10/01	
Final Action	12/00/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:**
www.regulations.gov

Agency Contact: Robert D. Finneran, Assistant Director for Policy and Valuation (262), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7368
Fax: 202 275-3523
Email: lgyrfinn@vba.va.gov

RIN: 2900-AK76

VA

Final Rule Stage

2960. ADDITIONAL DISABILITY OR DEATH DUE TO HOSPITAL CARE, MEDICAL OR SURGICAL TREATMENT, EXAMINATION, TRAINING AND REHABILITATION SERVICES, OR COMPENSATED WORK THERAPY PROGRAM**Priority:** Other Significant**Legal Authority:** 38 USC 1151**CFR Citation:** 38 CFR 3.154; 38 CFR 3.358; 38 CFR 3.361; 38 CFR 3.362; 38 CFR 3.363; 38 CFR 3.400; 38 CFR 3.708; 38 CFR 3.800**Legal Deadline:** None

Abstract: The Department of Veterans Affairs (VA) is amending its adjudication regulations concerning awards of compensation or dependency and indemnity compensation for additional disability or death caused by VA hospital care, medical or surgical treatment, examination, training and rehabilitation services, or compensated work therapy (CWT) program. Under this amendment, benefits are payable for additional disability or death caused by hospital care, medical or surgical treatment, or examination only if VA is at fault or "an event not reasonably foreseeable" proximately caused the disability or death. Benefits also are payable for additional disability or death proximately caused by VA's provision of training and rehabilitation services or CWT program. This amendment reflects amendments to 38 U.S.C. 1151, the statutory authority for such benefits.

Timetable:

Action	Date	FR Cite
NPRM	12/12/02	67 FR 76322
NPRM Comment Period End	02/10/03	
Final Action	12/00/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:** www.regulations.gov

Agency Contact: Beth McCoy, Consultant, Regulations Staff, Compensation and Pension Service (211A), Department of Veterans Affairs, Veterans Benefit Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7211
Email: capbmcco@vba.va.gov

RIN: 2900-AK77**2961. TIME LIMIT FOR REQUEST FOR DE NOVO REVIEW****Priority:** Substantive, Nonsignificant**Legal Authority:** Not Yet Determined**CFR Citation:** None**Legal Deadline:** None

Abstract: This document amends VA regulations concerning the time a claimant has in which to request a de novo review of their claim at the Veterans Service Center level. (This would reduce the time from the current 60 days to 15 days.) We believe this amendment will reduce unnecessary delays in the appeals process and will not adversely affect claimants.

Timetable:

Action	Date	FR Cite
NPRM	03/11/02	67 FR 10866
NPRM Comment Period End	05/10/02	
Final Action	01/00/05	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:** www.regulations.gov

Agency Contact: Randy A. McKevitt, Consultant, C&P Service (211A), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7211
Fax: 202 273-1728
Email: caprmcke@vba.va.gov

RIN: 2900-AK97**2962. EXCEPTIONS TO DEFINITION OF DATE OF RECEIPT BASED ON SPECIAL OR UNFORESEEN CIRCUMSTANCES****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 5110**CFR Citation:** 38 CFR 3.1(r)**Legal Deadline:** None

Abstract: This document amends the Department of Veterans Affairs (VA) adjudication regulations concerning the definition of "date of receipt" by authorizing the Under Secretary for Benefits to establish exceptions to the general rule when special or unforeseen circumstances hinder the normal course by which VA would receive a claim, information, or evidence. The intended

effect is to ensure that a significant number of claimants are not deprived of potential entitlement to benefits because of unexpected delays or impediments not caused by the claimants.

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	07/19/04	69 FR 42879
Interim Final Rule Comment Period End	09/17/04	
Final Action	12/00/04	

Regulatory Flexibility Analysis Required: No**Small Entities Affected:** No**Government Levels Affected:** None**URL For Public Comments:** www.regulations.gov

Agency Contact: Beth McCoy, Consultant, Regulations Staff, Compensation and Pension Service (211A), Department of Veterans Affairs, Veterans Benefit Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7211
Email: capbmcco@vba.va.gov

RIN: 2900-AL12**2963. LOAN GUARANTY: IMPLEMENTATION OF PUBLIC LAW 107-103****Priority:** Substantive, Nonsignificant**Legal Authority:** 38 USC 501(a); 38 USC 2102; 38 USC 3703(a)(1) and (c)(1); 38 USC 3714(d); 38 USC 3761**CFR Citation:** 38 CFR 36.4302; 38 CFR 36.4308; 38 CFR 36.4404; 38 CFR 36.4527**Legal Deadline:** None

Abstract: VA is amending its loan guaranty regulations to implement certain provisions of Public Law 107-103, the Veterans Education and Benefits Expansion Act of 2001. VA is incorporating into the regulations the following statutory changes: (1) An increase in the maximum amount of entitlement from \$50,750 to \$60,000; (2) a revision of the requirements for direct housing loans to Native American veterans; (3) a revision of the loan assumption notice requirement; and (4) an increase in the amount of assistance for specially adapted housing from \$43,000 to \$48,000 for severely disabled veterans and from \$8,250 to

VA

Final Rule Stage

\$9,250 for less severely disabled veterans.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/10/03	68 FR 6625
Interim Final Rule Effective	02/10/03	
Interim Final Rule Comment Period End	04/11/03	
Final Action	12/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For Public Comments:
www.regulations.gov

Agency Contact: Anne DeSena, Assistant Director for Loan Policy and Valuation (262), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7368
Fax: 202 275-3523

RIN: 2900-AL23

2964. SCHEDULE FOR RATING DISABILITIES; GUIDELINES FOR APPLICATION OF EVALUATION CRITERIA FOR CERTAIN RESPIRATORY AND CARDIOVASCULAR CONDITIONS; EVALUATION OF HYPERTENSION WITH HEART DISEASE

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 1155

CFR Citation: 38 CFR 4.104

Legal Deadline: None

Abstract: This document amends the Department of Veterans Affairs (VA) Schedule for Rating Disabilities, 38 CFR part 4, in order to clarify the evaluation of certain respiratory and cardiovascular conditions and to explain that hypertension and hypertensive or other heart diseases will be separately evaluated. The intended effect of this amendment is to clarify the use of the current criteria for evaluating respiratory and cardiovascular conditions, particularly in cases where alternative criteria are provided, in order to ensure that veterans receive consistent evaluations and are not required to undergo unnecessary tests.

Timetable:

Action	Date	FR Cite
NPRM	08/22/02	67 FR 54394
NPRM Comment Period End	10/21/02	
Final Action	12/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For Public Comments:
www.regulations.gov

Agency Contact: Audrey Tomlinson, Medical Officer (211A), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7211

RIN: 2900-AL26

2965. VETERANS EDUCATION: VETERANS EDUCATION AND BENEFITS EXPANSION ACT OF 2001

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 3511; 38 USC 3512; 38 USC 3540; 38 USC 3543; 38 USC 3672; 38 USC 3675; 38 USC 3680A; 38 USC 3011(c)

CFR Citation: 38 CFR 21.3045; 38 CFR 21.3046; 38 CFR 21.3104; 38 CFR 21.3300; 38 CFR 21.3301; 38 CFR 21.3302; 38 CFR 21.3303; 38 CFR 21.3305; 38 CFR 21.3306

Legal Deadline: None

Abstract: Final regulations implementing some of the provisions in the Veterans Education and Benefits Expansion Act of 2001. The provisions are: Restoring benefits for individuals ordered to active duty on or after September 11, 2001; an additional opportunity for Vietnam Era Veterans to qualify for benefits under the Montgomery GI Bill program; establishing an ending date to the eligibility period for spouses under the Survivors' and Dependents' Educational Assistance program; expanding special restorative training benefits to include certain disabled spouses and surviving disabled spouses; allowing payment of education benefits for distance learning courses that are part of a certificate program offered by institutions of higher learning; and increasing the amount of scholarship funds someone in a Senior Reserve Officer Training Corps program can receive and remain eligible under the Montgomery GI Bill.

Timetable:

Action	Date	FR Cite
Final Action	04/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For Public Comments:
www.regulations.gov

Agency Contact: Lynn M. Nelson, Education Advisor (225C), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7294
Fax: 202 275-2636
Email: edulcose@vba.va.gov

RIN: 2900-AL28

2966. SCHEDULE FOR RATING DISABILITIES; EVALUATION OF MULTIPLE SCARS

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 1155

CFR Citation: 38 CFR 4.118

Legal Deadline: None

Abstract: The Department of Veterans Affairs is amending its Schedule for Rating Disabilities; Multiple Scars. The current rating schedule provides an evaluation level of 10 percent under Diagnostic Code 7803 for multiple superficial unstable scars and an evaluation level of 10 percent under Diagnostic Code 7804 for multiple superficial painful scars. The current rating schedule provides no guidance on whether each painful or each unstable scar no matter how small or close together should be separately evaluated. The current rating schedule is silent as to whether one scar can be rated more than once under diagnostic codes 7802, 7803 and/or 7804. This regulatory amendment replaces the concept of "widely separated areas" by defining and using the concept of "separate anatomical location." This regulatory amendment instructs adjudicators in the following: How to evaluate scars which traverse separate anatomical locations; how to evaluate multiple scars in a separate anatomical locations; how to evaluate scars which satisfy evaluation criteria for two or more of the following diagnostic codes: 7802, 7803 and 7804; and how to evaluate multiple scars of the head, face, and neck where there is also

VA

Final Rule Stage

disfigurement in this area. Each diagnostic code has been retitled; within Diagnostic Code 7800, we have included all aspects of scars and/or disfigurement of the head, face, and neck; therefore, the titles to the remaining scar codes now include the words "Scars, other than those of the head, face, and neck region."

Timetable:

Action	Date	FR Cite
NPRM	10/29/02	67 FR 65915
NPRM Comment Period End	12/30/02	
Final Action	12/00/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For Public Comments:

www.regulations.gov

Agency Contact: Audrey Tomlinson, Medical Officer (211A), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7211

RIN: 2900-AL32

2967. LOAN GUARANTY: HYBRID ADJUSTABLE RATE MORTGAGES

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501(a); 38 USC 3703(c)(1)

CFR Citation: 38 CFR 36.4212; 38 CFR 36.4254; 38 CFR 36.4311; 38 CFR 36.4312

Legal Deadline: None

Abstract: The Department of Veterans Affairs (VA) is amending its loan guaranty regulations to implement sections 303 and 308 of Public Law No. 107-330, the Veterans Benefits Act of 2002. VA is incorporating into the regulations the following changes: The addition of hybrid adjustable rate mortgages that will allow VA to guarantee loans with interest rates that remain fixed for a period of not less than the first 3 years of the loan after which the rate can be adjusted annually and an increase in the fee paid for assuming a VA guaranteed loan from .50 percent to 1.00 percent of the loan amount.

Timetable:

Action	Date	FR Cite
NPRM	10/09/03	68 FR 58293

Action	Date	FR Cite
NPRM Comment Period End	11/10/03	
Final Action	12/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For Public Comments:

www.regulations.gov

Agency Contact: Robert D. Finneran, Assistant Director for Policy and Valuation (262), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7368
Fax: 202 275-3523
Email: lgyrfinn@vba.va.gov

RIN: 2900-AL54

2968. SERVICE REQUIREMENTS FOR VETERANS

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 101(21), (22); 38 USC 106; 38 USC 501(a); 38 USC 1152; 38 USC 1301; 38 USC 1504; 38 USC 1832(b)(2); 38 USC 5101(i); 38 USC 5303(a), (b), (e); PL 95-126; PL 95-202; PL 102-40; ...

CFR Citation: 38 CFR 3; 38 CFR 5

Legal Deadline: None

Abstract: The Department of Veterans Affairs (VA) is amending its compensation and pension regulations relating to service requirements for veterans, currently found in 38 CFR part 3, and plans to relocate them in new 38 CFR part 5. These revisions are part of VA's rewrite and reorganization of all of its compensation and pension regulations in a logical, claimant-focused, and user-friendly format.

Timetable:

Action	Date	FR Cite
NPRM	01/30/04	69 FR 4820
NPRM Comment Period End	03/30/04	
Final Action	10/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For Public Comments:

www.regulations.gov

Agency Contact: Bill Russo, Chief, Regulation Rewrite Project (OOREG2),

Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-9216

Fax: 202 275-9026

Email: capbruss@vba.va.gov

RIN: 2900-AL67

2969. RESERVISTS' EDUCATION: REVISION OF ELIGIBILITY REQUIREMENTS FOR THE MONTGOMERY GI BILL—SELECTED RESERVE

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC 1606; 10 USC 16133; 38 USC 501; 38 USC 501(a); 38 USC 3031(d); 38 USC 3033(c); 38 USC 3232(a); 38 USC 3512; ...

CFR Citation: 38 CFR 21.1032; 38 CFR 21.7540; 38 CFR 21.7550; 38 CFR 21.7551

Legal Deadline: None

Abstract: This document amends the regulations governing the administration of the Montgomery GI Bill—Selected Reserve (MGIB-SR) program. The amendments implement provisions in the Veterans Benefits and Health Care Improvement Act of 2000 and the Bob Stump National Defense Authorization Act for Fiscal Year 2003. The Veterans Benefits and Health Care Improvement Act of 2000 contained a provision that changed an eligibility criterion concerning the time for obtaining a high school diploma. The Bob Stump National Defense Authorization Act for Fiscal Year 2003 expanded the MGIB-SR eligibility period from 10 years to 14 years for reservists who first become eligible after September 30, 1992.

Timetable:

Action	Date	FR Cite
Final Action	04/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For Public Comments:

www.regulations.gov

Agency Contact: Lynn M. Nelson, Education Advisor (225C), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7294

VA

Final Rule Stage

Fax: 202 275-2636
Email: edulcose@vba.va.gov
RIN: 2900-AL69

2970. PRESUMPTIONS OF SERVICE CONNECTION FOR CERTAIN DISABILITIES AND RELATED MATTERS

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501; 38 USC 1101; 38 USC 1111; 38 USC 1112; 38 USC 1116; 38 USC 1133; 38 USC 1137; PL 98-542

CFR Citation: 38 CFR 3; 38 CFR 5

Legal Deadline: None

Abstract: The Department of Veterans Affairs (VA) is amending its adjudication regulations that concern the presumptions of service connection for certain diseases or conditions, currently found in 38 CFR part 3, and plans to relocate them in new 38 CFR part 5. These revisions are part of VA's rewrite and reorganization of all of its compensation and pension regulations in a logical, claimant-focused, and user-friendly format.

Timetable:

Action	Date	FR Cite
NPRM	07/27/04	69 FR 44614
NPRM Comment Period End	09/27/04	
Final Action	10/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For Public Comments:
www.regulations.gov

Agency Contact: Bill Russo, Chief, Regulation Rewrite Project (OOREG2), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-9216

Fax: 202 275-9026

Email: capbruss@vba.va.gov

RIN: 2900-AL70

2971. VETERANS EDUCATION: NONPAYMENT OF VA EDUCATIONAL ASSISTANCE TO FUGITIVE FELONS

Priority: Substantive, Nonsignificant

Legal Authority: 10 USC 5315B

CFR Citation: 38 CFR 21.3135; 38 CFR 21.4131; 38 CFR 21.4135; 38 CFR

21.4200; 38 CFR 21.7020; 38 CFR 21.7131; 38 CFR 21.7135

Legal Deadline: None

Abstract: The Department of Veterans Affairs is amending its education regulations to reflect a provision in the Veterans Education and Benefits Expansion Act of 2001. The Act contains a provision in section 505 that prohibits VA from awarding educational assistance to individuals during any period that they are fugitive felons. The prohibition applies to the following VA educational assistance programs: Montgomery GI Bill-Active Duty Program, Post Vietnam Era Veteran's Educational Assistance Program, and Survivors' and Dependents' Educational Assistance Program.

Timetable:

Action	Date	FR Cite
Final Action	04/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For Public Comments:
www.regulations.gov

Agency Contact: Lynn M. Nelson, Education Advisor (225C), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420

Phone: 202 273-7294

Fax: 202 275-2636

Email: edulcose@vba.va.gov

RIN: 2900-AL79

2972. PRESUMPTION OF SOUND CONDITION: AGGRAVATION OF A DISABILITY BY ACTIVE SERVICE

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501; 38 USC 1111

CFR Citation: 38 CFR 3.304

Legal Deadline: None

Abstract: The Department of Veterans Affairs (VA) is amending its adjudication regulations regarding the presumption of soundness of a veteran by adding a requirement that before VA may rebut the presumption of soundness of a veteran on entrance into active service, VA must prove that the condition existed prior to entrance on active service and was not aggravated by the veteran's active service. This

amendment is necessary to ensure VA's regulations comply with a recently released General Counsel Opinion, VAOPGCPREC 3-2003, Requirements for Rebutting the Presumption of Sound Condition under 38 U.S.C. 1111 and 38 CFR 3.304. The intended effect of this amendment is to require that VA, not the claimant, prove that the disability preexisted entrance into military service and that the disability was not aggravated by such service before the presumption of soundness on entrance onto active duty is overcome.

Timetable:

Action	Date	FR Cite
Final Action	12/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For Public Comments:
www.regulations.gov

Agency Contact: Maya Ferrandino, Consultant, C&P (211A), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7232

RIN: 2900-AL90

2973. • INCREASE IN RATES PAYABLE UNDER THE MONTGOMERY GI BILL—ACTIVE DUTY

Priority: Info./Admin./Other

Legal Authority: 38 USC 3015(h)

CFR Citation: 38 CFR 21.7136; 38 CFR 21.7137

Legal Deadline: None

Abstract: This final rule updates 38 CFR to show the rates payable under the Montgomery GI Bill—Active Duty educational assistance program during fiscal year 2005. Title 38 U.S.C. 3015(h) requires VA to increase the rates each fiscal year. Section 3015(a) and (b) require VA to show by regulation the rates payable for less than full-time training.

Timetable:

Action	Date	FR Cite
Final Action	04/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

VA

Final Rule Stage

URL For Public Comments:

www.regulations.gov

Agency Contact: Lynn M. Nelson, Education Advisor (225C), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7294
Fax: 202 275-2636
Email: edulcose@vba.va.gov

RIN: 2900-AM08

2974. • PRESUMPTIONS OF SERVICE CONNECTION FOR DISEASES ASSOCIATED WITH SERVICE INVOLVING DETENTION OR INTERNMENT AS A PRISONER OF WAR

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501(a); 38 USC 1112(b)

CFR Citation: 38 CFR 1.18; 38 CFR 3.309

Legal Deadline: None

Abstract: The Department of Veterans Affairs (VA) is amending its regulations to establish guidelines for establishing presumptions of service connection for diseases associated with service involving detention or internment as a prisoner of war. In accordance with those guidelines, this amendment also establishes presumptions of service connection for atherosclerotic and hypertensive heart disease and for stroke disease arising in former prisoners of war.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/07/04	69 FR 60083
Interim Final Rule Comment Period End	11/08/04	
Final Action	07/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For Public Comments:

www.regulations.gov

Agency Contact: David Joseph Barrans, Staff Attorney (022), Department of Veterans Affairs, Office of General Counsel, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-6320

RIN: 2900-AM09

2975. • TRANSFER OF MONTGOMERY GI BILL—ACTIVE DUTY ENTITLEMENT TO DEPENDENTS

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 3020; 38 USC 3015(d)(1)

CFR Citation: 38 CFR 21.7020; 38 CFR 21.7050; 38 CFR 21.7080; 38 CFR 21.7131; 38 CFR 21.7135; 38 CFR 21.7136; 38 CFR 21.7137; 38 CFR 21.7139

Legal Deadline: None

Abstract: This final rule amends Department of Veterans Affairs' (VA) education regulations to include rules for use of transferred Montgomery GI Bill-Active Duty (MGIB) entitlement.

Provisions in the National Defense Authorization Act for Fiscal year 2002 permit the Department of Defense to offer individuals in the Armed Forces, who have critical military skills, the option to transfer up to 18 months of their MGIB entitlement to their dependents. The rule includes a provision in the Bob Stump National Defense Authorization Act for Fiscal Year 2003 that clarifies the rate of payment of educational assistance for dependents to whom entitlement is transferred. In addition, the rule amends regulations to reflect an increase in the maximum amount for the college fund program that was provided in the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999.

Timetable:

Action	Date	FR Cite
Final Action	04/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For Public Comments:

www.regulations.gov

Agency Contact: Lynn M. Nelson, Education Advisor (225C), Department of Veterans Affairs, Veterans Benefits Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-7294
Fax: 202 275-2636
Email: edulcose@vba.va.gov

RIN: 2900-AM12

BOARD OF VETERANS APPEALS

2976. BOARD OF VETERANS APPEALS: APPEAL REGULATIONS; RULES OF PRACTICE; DELEGATIONS OF AUTHORITY

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 501; 38 USC 7101; 38 USC 7102; PL 103-271

CFR Citation: 38 CFR 19.14; 38 CFR 20.102; 38 CFR 20.606; 38 CFR 20.608

Legal Deadline: None

Abstract: The Department of Veterans Affairs is amending its Appeals Regulations and Rules of Practice of the Board of Veterans' Appeals to update

delegations of authority. This amendment is necessary in order to reflect statutory and regulatory changes.

Timetable:

Action	Date	FR Cite
Final Action	12/00/04	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For Public Comments:

www.regulations.gov

Agency Contact: Steven L. Keller, Senior Deputy Vice Chairman, Department of Veterans Affairs, Board

of Veterans Appeals, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 565-5978

RIN: 2900-AL96

2977. BOARD OF VETERANS' APPEALS: CLARIFICATION OF A NOTICE OF DISAGREEMENT

Priority: Substantive, Nonsignificant

Legal Authority: 38 USC 7105

CFR Citation: 38 CFR 19.26; 38 CFR 19.29

Legal Deadline: None

Abstract: The Department of Veterans Affairs is amending its regulations pertaining to agency action upon

VA

Final Rule Stage

receipt from a claimant of a Notice of Disagreement of a decision made by VA on a claimant's application for a VA benefit.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For Public Comments:
www.regulations.gov

Agency Contact: Steven L. Keller, Senior Deputy Vice Chairman, Department of Veterans Affairs, Board of Veterans Appeals, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 565-5978

RIN: 2900-AL97

NATIONAL CEMETERY SYSTEM**2978. • RELOCATION OF NATIONAL CEMETERY REGULATIONS IN TITLE 38 CFR**

Priority: Info./Admin./Other

Legal Authority: 38 USC 107; 38 USC 501; 38 USC 512; 38 USC 2306; 38 USC 7105; ...

CFR Citation: 38 CFR 1.600 to 1.633; 38 CFR 38

Legal Deadline: None

Abstract: This final rule amends the Department of Veterans Affairs (VA)

cemetery regulations currently found in part 1 of title 38 Code of Federal Regulations, by relocating them to a new part in 38 CFR. This final rule also reorganizes these regulations in a more logical order, revises section and paragraph headings, and divides certain sections into one or more separate regulations without changing existing text. VA's principal goal in reorganizing these regulations is to provide readers with an easier format and more descriptive headings.

Timetable:

Action	Date	FR Cite
Final Action	04/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

URL For Public Comments:
www.regulations.gov

Agency Contact: Karen Barber, Program Analyst (41C3), Department of Veterans Affairs, National Cemetery Administration, 810 Vermont Avenue NW, Washington, DC 20420
Phone: 202 273-5183
Fax: 202 273-6697
Email: karen.barber@mail.va.gov

RIN: 2900-AM10

Department of Veterans Affairs (VA)**Long-Term Actions****VETERANS BENEFITS ADMINISTRATION****2979. LOAN GUARANTY: AMENDMENTS TO HYBRID ADJUSTABLE RATE MORTGAGES**

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 36.4212

Timetable:

Action	Date	FR Cite
NPRM	12/00/05	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Anne DeSena
Phone: 202 273-7368
Fax: 202 275-3523

RIN: 2900-AL92

Department of Veterans Affairs (VA)**Completed Actions****2980. WAIVERS**

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 17.105

Completed:

Reason	Date	FR Cite
NPRM	04/20/04	69 FR 21075
Final Action	10/25/04	69 FR 62204
Final Action Effective	11/24/04	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: None

Agency Contact: Tony Guagliardo

Phone: 202 254-0406

RIN: 2900-AK29

2981. PRIORITIES FOR OUTPATIENT MEDICAL SERVICES AND INPATIENT HOSPITAL CARE

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 17.49

Completed:

Reason	Date	FR Cite
Final Action	06/18/04	69 FR 34074
Final Action Effective	06/18/04	69 FR 34074

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Ruth Hoffman
Phone: 202 273-8934

RIN: 2900-AL39

2982. COPAYMENTS FOR EXTENDED CARE SERVICES

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 17.111

VA

Completed Actions

Completed:

Reason	Date	FR Cite
Final Action	07/01/04	69 FR 39845
Interim Final Rule Effective	08/02/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Eileen Downey
Phone: 202 254-0347

Daniel Schoeps
Phone: 202 273-8540

RIN: 2900-AL49

2983. SENSORI-NEURAL AIDS

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 17.149

Completed:

Reason	Date	FR Cite
Final Action	06/16/04	69 FR 33575
Final Action Effective	07/16/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: Federal

Agency Contact: John G. Clements
Phone: 202 273-8515
Fax: 202 273-9110
Email: john.clements@hg.med.va.gov

RIN: 2900-AL60

2984. VA HOMELESS PROVIDERS GRANT AND PER DIEM PROGRAM; RELIGIOUS ORGANIZATIONS

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 61.64

Completed:

Reason	Date	FR Cite
Final Action	06/08/04	69 FR 31883
Final Action Effective	06/08/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: Local, State, Tribal

Agency Contact: Guy A. Liedke
Phone: 877 332-0334
Fax: 813 979-3569
Email: guy.liedke@med.va.gov

RIN: 2900-AL63

2985. COMPENSATION FOR CERTAIN CASES OF BILATERAL DEAFNESS

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 3.383(a)(3)

Completed:

Reason	Date	FR Cite
Final Action	08/09/04	69 FR 48148

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Beth McCoy
Phone: 202 273-7211
Email: capbmcco@vba.va.gov

RIN: 2900-AL59

2986. INCREASE RATES PAYABLE UNDER THE SURVIVOR'S AND DEPENDENT'S EDUCATION ASSISTANT PROGRAM

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 21.3045; 38 CFR 21.3131; 38 CFR 21.3333

Completed:

Reason	Date	FR Cite
Final Action	10/25/04	69 FR 62206
Final Action Effective	11/25/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Lynn M. Nelson
Phone: 202 273-7294
Fax: 202 275-2636
Email: edulcose@vba.va.gov

RIN: 2900-AL64

2987. INCREASE IN RATES PAYABLE UNDER THE MONTGOMERY GI BILL—SELECTED RESERVE

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 21.7636

Completed:

Reason	Date	FR Cite
Final Action	10/25/04	69 FR 62205

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Lynn M. Nelson
Phone: 202 273-7294
Fax: 202 275-2636

Email: edulcose@vba.va.gov

RIN: 2900-AL80

2988. VETERANS EDUCATION: INCREASED ALLOWANCES FOR THE EDUCATIONAL ASSISTANCE TEXT PROGRAM

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 21.7636

Completed:

Reason	Date	FR Cite
Final Action	10/25/04	69 FR 62209

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Lynn M. Nelson
Phone: 202 273-7294
Fax: 202 275-2636
Email: edulcose@vba.va.gov

RIN: 2900-AL81

2989. CHANGES TO 38 CFR 3.809 FOR SPECIALLY ADAPTED HOUSING ELIGIBILITY FOR RECIPIENTS FOR COMPENSATION UNDER 38 CFR 3.358

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 3.358; 38 CFR 3.809

Completed:

Reason	Date	FR Cite
Withdrawn	07/14/04	

Regulatory Flexibility Analysis

Required: No

Small Entities Affected: No

Government Levels Affected: None

Agency Contact: Randy A. McKeivitt
Phone: 202 273-7211
Fax: 202 273-1728
Email: caprmcke@vba.va.gov

RIN: 2900-AL98

2990. BOARD OF VETERANS' APPEALS: OBTAINING EVIDENCE AND CURING PROCEDURAL DEFECTS

Priority: Substantive, Nonsignificant

CFR Citation: 38 CFR 19.9; 38 CFR 19.38; 38 CFR 20.3; 38 CFR 20.903; 38 CFR 20.1304; ...

VA

Completed Actions

Completed:

Reason	Date	FR Cite
Final Action	09/03/04	69 FR 53807
Final Action Effective	10/04/04	

**Regulatory Flexibility Analysis
Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Steven L. Keller
Phone: 202 565-5978**RIN:** 2900-AL77**2991. ELIGIBILITY FOR BURIAL IN
NATIONAL CEMETERY FOR
SURVIVING SPOUSES WHO
REMARRY AND NEW PHILIPPINE
SCOUTS****Priority:** Substantive, Nonsignificant**CFR Citation:** 38 CFR 1.620**Completed:**

Reason	Date	FR Cite
Final Action	07/01/04	69 FR 39844
Final Action Effective	08/02/04	

**Regulatory Flexibility Analysis
Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Karen Barber
Phone: 202 273-5183
Fax: 202 273-6697
Email: karen.barber@mail.va.gov**RIN:** 2900-AM00**2992. STANDARDS FOR COLLECTION,
COMPROMISE, SUSPENSION, OR
TERMINATION OF COLLECTION
EFFORT, AND REFERRAL OF CIVIL
CLAIMS FOR MONEY OR PROPERTY;
REGIONAL OFFICE COMMITTEES ON
WAIVERS AND COMPROMISES;
SALARY****Priority:** Other Significant**CFR Citation:** 31 CFR 900 to 904; 38
CFR 1.900 to 1.970**Completed:**

Reason	Date	FR Cite
Final Action	10/25/04	69 FR 62188
Final Action Effective	11/24/04	

**Regulatory Flexibility Analysis
Required:** No**Small Entities Affected:** No**Government Levels Affected:** None**Agency Contact:** Peter T. Mulhern
Phone: 202 273-5570
TDD Phone: 202 273 6574**RIN:** 2900-AK10

[FR Doc. 04-22637 Filed 12-10-04; 8:45 am]

BILLING CODE 8320-01-S